United Nations E/C.12/2017/SR.18

Economic and Social Council

Distr.: General
12 June 2017

Original: English

Committee on Economic, Social and Cultural Rights
Sixty-first session

Summary record of the 18th meeting
Held at the Palais Wilson, Geneva, on Thursday, 1 June 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of the Netherlands (E/C.12/NLD/6; E/C.12/NLD/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Netherlands took places at the Committee table.*

2. **Ms. Mulder** (Netherlands), introducing the sixth periodic report of the Netherlands (E/C.12/NLD/6), said that the country had undergone constitutional changes since 2010, as a result of the Netherlands Antilles had ceased to exist as a country. The Kingdom of the Netherlands therefore comprised four autonomous countries: the Netherlands, Aruba, Curaçao and Sint Maarten. Representatives of all four countries were present at the current meeting. The Covenant applied to all four and each country was independently responsible for implementing the Covenant at a national level.

3. Speaking with regard to the situation in the Netherlands, she noted that the labour market had significantly recovered from the 2008 global financial crisis. As of April 2017, unemployment had fallen to 5.1 per cent, with the decrease particularly notable among older persons. However, unemployment among persons of migrant origin, especially young people, had not improved, owing to discrimination. An action plan against discrimination was currently being implemented to improve the situation for such people. The Government was also focusing on efforts to promote decent work by improving the rights of workers on temporary contracts.

4. The Government was committed to increasing the economic independence of women. A number of projects had been launched to that end, encouraging women to increase their working hours. One in three top positions in central government were held by women, but the situation could be further improved. In cooperation with civil society, the Government was currently following up the concluding observations of the Committee on the Elimination of Discrimination against Women.

5. The Netherlands was playing an active role in raising awareness among businesses of the importance of human rights. The Government had funded several initiatives in that regard, focusing on how to address the risks to human rights involved in conducting business.

6. The Netherlands had seen an increase in health-care costs due to longer life expectancy and the increasing availability of new and effective medicines and treatments. The Government had reformed its curative and long-term care systems in order to maintain financial sustainability and quality of health care. The reforms to both systems aimed to concentrate on a more outcome-oriented approach in an effort to improve the quality of care and the quality of life of patients.

7. **Ms. Croes** (Netherlands), speaking on behalf of the Government of Aruba, said that the purchasing power of its citizens had improved during the reporting period. Amendments to labour law had facilitated flexible working arrangements, strengthened the capacity of labour inspectorates and increased the minimum wage threefold. A special tax provision had been introduced to assist those in the lowest income bracket. The Government had also recently increased welfare provisions to support the most vulnerable sectors of society, including an allowance for parents on welfare with school-aged children, and offered a second chance at education for persons who had not completed their studies. Foundations that provided services to older persons and persons with disabilities, as well as orphanages and women's shelters, were subsidized by the Government. Reforms had also been introduced to stabilize the social pension fund and to implement universal health coverage.

8. Subsequent to the 2016 amendment to the Civil Code, civil partnerships between same-sex and heterosexual couples were legally recognized. Under the amendment, children born in wedlock were entitled to take the family name of either their mother or

their father; corporal punishment in the home was prohibited; and a centre had been established where victims of child abuse could report violations and receive advice.

9. The country's reservation to article 8 (1) (d) of the Covenant regarding the right to strike had been withdrawn. Since 2014, industrial action was no longer prohibited under the Criminal Code.

10. **Ms. Martis** (Netherlands), speaking on behalf of the Government of Curaçao, said that her country had consulted with a wide range of governmental and non-governmental organizations (NGOs) in its preparation for the State party report and the meeting with the Committee. A joint follow-up meeting to the dialogue was scheduled for June 2017.

11. Efforts were being made to empower youth and reduce poverty in Curaçao. The National Youth Development Plan had been drawn up with the participation of various stakeholders. The Youth Council of Curaçao had also been recently established and it was working together with the Kingdom Youth Parliament to ensure that the interests of young people were taken into consideration in national policies. In order to reduce poverty, the Government had signed a workforce development agreement to modernize the national oil refinery that would create jobs for 4,500 workers. That, in turn, would lead to an expected 10,000 jobs across the island, thereby contributing to a stronger economy.

12. The Government provided free primary and secondary education for children living below the poverty threshold. Projects had been launched to prevent children from dropping out of school, aimed at both schools and parents. Free transport to school, food and clothing were also offered to disadvantaged children and there were currently 4,000 families receiving such subsidies. The "1,000 Young People in Employment" Project, which aimed to provide on-the-job training and a job guarantee to young people, continued to be implemented. The National Development Plan, drawn up with the help of the United Nations Development Programme, paid particular attention to the future of young people. In addition, a youth probation department had been set up to offer guidance to young first-time offenders and the Government was working to establish a Children's Ombudsman.

13. **Ms. Voges** (Netherlands), speaking on behalf of Sint Maarten, said that her country had made considerable progress in reducing unemployment, particularly among young people, which demonstrated the success of initiatives such as the Labour Market Survey and policy plan. The Government had adjusted a number of policies to address the increasing life expectancy of its citizens, including changes to the pension system and social security provisions. An increase in the retirement age from 60 to 62 years had come into effect. An interministerial working group was continuing its efforts to develop a policy to combat poverty and various stakeholders were cooperating on the finalization of the National Development Plan, which would help to create an informed labour market and consolidate social security policy.

14. Abortion remained illegal in Sint Maarten, but the Government would shortly host a conference at which it would present stakeholders with the final draft policy on changing the law in that regard. The Sexual and Reproductive Health Policy would define abortion as the medical termination of pregnancy, and a number of commitments would be made with regard to access to abortion services, counselling and aftercare.

15. Sint Maarten had adopted a new Criminal Code in 2015 that had changed, in particular, the way that the Government addressed the issue of human trafficking. Following the recommendations received from a number of human rights treaty bodies regarding the lack of punishment for perpetrators, the new Code explicitly addressed human trafficking, the various forms of participation in the offence, the penalties and the aggravating circumstances, thereby ensuring that perpetrators at every level would be held accountable for the role that they played. The 2016 United States Trafficking in Persons Report had upgraded Sint Maarten from its Tier 2 Watch List to Tier 1, which meant that the country met the minimum standards required for the elimination of trafficking in persons.

16. **Ms. Shin** (Country Rapporteur) said that she welcomed the fact that the State party had submitted a proposal to the Council of State to ratify the Optional Protocol to the Covenant and wondered when the final decision on ratification could be expected.

17. She commended the establishment of the National Institute for Human Rights and the adoption of the National Action Plan on Human Rights. However, she was disappointed by the lack of concrete goals and strategies in the National Action Plan and wondered whether an evaluation of its effectiveness had been carried out. She would be grateful for more information on the status of the second National Action Plan, which she hoped would incorporate the recommendations contained in the concluding observations of the Committee and other United Nations treaty bodies.

18. She remained concerned that the Covenant did not play a meaningful role in the legislative process of the State party. For example, social service reforms had improved the availability of care for vulnerable persons, but the Social Support Act contained no reference to the right to health or the general obligation to progressively implement the Covenant. Given that the provisions of the Covenant were generally not binding in the Netherlands, it was almost impossible to challenge a court decision on the grounds of those provisions. She asked what measures the Government would take to ensure that draft legislation and policy would be compatible with the Covenant and to raise awareness among the judiciary that the provisions of the Covenant could be directly applied. Moreover, she noted with dismay that the official development assistance (ODA) provided by the State party had continued to fall below 0.7 per cent of gross national income (GNI) since 2013 and invited the delegation to comment on whether the Government intended to return to its previous policy of maintaining ODA at 0.7 per cent of GNI.

19. She was deeply concerned by the damage caused to water and food in Peru as a result of the business activities of the company Pluspetrol, which had its headquarters in Amsterdam. She was aware that the State party had adopted the National Action Plan on Business and Human Rights and would like to know whether there had been any follow-up procedures in that regard. She also asked whether human rights monitoring was in place to regulate the business activities of multinational corporations domiciled in the Netherlands.

20. With reference to the disparities in the enjoyment of rights among the constituent countries of the Kingdom of the Netherlands, the Committee was unable to hold Aruba, Curaçao or Sint Maarten accountable to the Covenant, as they had not signed the Covenant as independent sovereign States.

21. Although she understood the intention behind the decision to decentralize social services in an effort to bring services closer to those in need, the information that she had obtained suggested that there had been no clear assessment of the cost of decentralization and that services were not reaching the most needy. She would like to know whether the Government would be willing to consult with the people affected and with civil society in order to assess the failures in the system and to draft the necessary policy revision.

22. Certain groups continued to experience discrimination in the Netherlands, including ethnic minorities of non-Dutch origin, migrants and persons with disabilities. In her view, human rights education was inadequate in the State party and she wondered whether the Government intended to educate civil servants, the judiciary, law enforcement officials and rights holders on the rights contained in the Covenant. Citizenship lessons in schools should also include education on human rights.

23. There was a notable difference between men and women in terms of work, income, decision-making and family responsibilities. She was particularly struck by the fact that 77 per cent of working women in the State party worked parttime. Stereotyping of gender roles lay at the root cause of such inequality and the Government had not provided a response to the question posed by the Committee on measures taken to combat stereotypes. She would appreciate clarification on how many workers, and how many men, in particular, had made use of the Flexible Working Arrangements Act, why paternity leave was currently limited to only two days and how many families had benefited from extended childcare assistance.

24. **Ms. Mulder** (Netherlands) said that a response had been received from the Council of State regarding the ratification of the Optional Protocol and that the Government was in the process of studying it. The ultimate decision would lie with the new government, which was yet to be established following the recent general election.

25. An internal evaluation of the National Institute for Human Rights had been carried out in 2016. The University of Utrecht would also carry out an independent evaluation. A midterm report on the implementation of the measures contained in the National Action Plan on Human Rights had been produced in 2014. The parliament had also debated the strengths and weaknesses of the National Action Plan and a Council of Europe workshop on the issue was scheduled for 2017.

26. Although no specific reference to the Covenant had been made in the Social Support Act, the policies contained therein were inspired by the Covenant. The Government should be more explicit about its use of the Covenant in policy development. Moreover, an individual was entitled to appeal against a court decision on the grounds that his or her rights under the Covenant were not respected. In such cases, international law, namely the Covenant, could take precedence over domestic law.

27. Civil servants had been provided with human rights guidelines and a checklist on the international treaties to which the Netherlands was a party, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Human rights training was offered to the judiciary and the police and immigration services with a view to ensuring that every public policy directorate had a basic knowledge of human rights.

28. In 2016, ODA had been 0.65 per cent of GNI, which meant that the Netherlands remained among the top seven international donors globally. The new government, when it was formed, would consider whether or not to work towards maintaining ODA at 0.7 per cent of GNI.

29. The Government had established the National Action Plan on Business and Human Rights. In the event that a Dutch company was alleged to have violated human rights, the Government would enter into a dialogue with the business in order to establish the facts. Legal action could be taken in such cases, although a number of factors needed to be taken into consideration, including the national law of the country in which business operations were being conducted, the legal standing of the business concerned and the availability of evidence. The Government had been in contact with Pluspetrol in that connection.

30. The four countries that comprised the Kingdom of the Netherlands enjoyed equal status and international treaty obligations were binding on the Kingdom as a whole. The four countries were autonomous in their implementation of the Covenant. Regular meetings were held between the constituent countries in that regard.

31. The attempted decentralization of social services had given rise to a number of conflicting perspectives regarding the way that such services were provided. Municipalities needed more freedom in order to assist the most vulnerable sectors of society. The Government was consulting with municipalities and civil society in order to improve the provision of services.

32. The recent elections in the Netherlands had demonstrated the lack of social cohesion in the country. Efforts were being made to combat discrimination through the establishment of a national action plan, with a focus on eliminating racist sentiments. The action plan aimed to target the problem of unconscious bias, improve cooperation among the police and local communities, increase awareness of the issue among the general public through handbooks and guidelines, and invest in research. The Dutch Inspectorate of Education had reported that citizenship education in schools needed to be improved. The Government was committed to identifying best practices from other countries in order to improve the situation. Changes to the national curriculum for primary and secondary education were currently under way, with a view to giving greater prominence to the issue of human rights.

33. She agreed that the Government needed to tackle the issue of gender stereotyping, particular with regard to childcare. In the Netherlands, it was frowned upon to send a child to day care more than three days a week, but studies had shown that day care had a particularly positive impact on children from vulnerable population groups. On average, men in the Netherlands worked 37.7 hours per week. Parental leave was available for both men and women but was unpaid. The Flexible Working Arrangements Act aimed to assist parents, particularly mothers, in combining work and childcare. Studies had indicated that,

if women did not significantly decrease the number of hours that they worked following the birth of their child, there was a higher probability that they would maintain regular working hours in the long term, thereby ensuring their economic independence.

34. The delegation had consulted with NGOs prior to the meeting with the Committee. The Government valued the perspective of its citizens and civil society and was committed to consultation with them for the purposes of policy development.

35. **Ms. Croes** (Netherlands) said that Aruba was taking steps to draft a national action plan on human rights based on the periodic reports submitted to United Nations treaty bodies, the recommendations arising from them and consultations with NGOs. Priorities for the action plan included raising awareness on human rights, research and data collection, and ratifying international conventions. The draft action plan was expected to be completed by the end of 2017 and would subsequently be sent to the Council of Ministers for approval.

36. A national action plan for youth had recently been approved and would focus on the core objectives of youth-oriented policies. An action plan to combat child abuse and a gender policy plan were currently being drafted. Consultations had been held with a number of stakeholders on the issue of gender equality in order to combat violence against women, improve women's participation in public life and empower women.

37. **Ms. Martis** (Netherlands) said that Curaçao had neither a national institute for human rights nor a national action plan on human rights. However, the National Development Plan contained references to human rights, such as education and gender equality. The Government and civil society were cooperating to develop a national action plan on human rights.

38. **Ms. Voges** (Netherlands) said that, although there were as yet no plans to draft a national action plan on human rights in Sint Maarten, there was an awareness of the importance of human rights at a national level. A 2015 workshop had been held on developing frameworks for action plans on human rights. An interministerial working group had been set up to establish a list of priorities on human rights that could be used as the basis for a future draft action plan.

39. **Mr. Sadi** said that the status of the Covenant under the law of the State party was ambiguous. It did not suffice to say that fulfilling the provisions of the Covenant was a goal, as the State party had done in a Supreme Court judgment of 1993, because, in accordance with the general comments and the jurisprudence of the Committee, certain provisions needed to take effect immediately. He encouraged the delegation to provide a clear response in that regard. He was also concerned about the strong anti-Muslim sentiment growing in the State party. He wished to know what the root cause of the problem was and how the Government intended to reduce such tensions.

40. **Mr. Uprimny** said that, since 1986, the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights had stipulated that the obligations under the Covenant were to be directly applied. However, the Netherlands maintained that the provisions of the Covenant were of a non-binding nature. He asked whether the Government intended to change its position on the applicability of the Covenant in its courts.

41. **The Chair** said that economic, social and cultural rights were not mere aspirations. The failure to recognize them as rights under the current circumstances had led to the erosion of social policies and social unrest in a number of countries.

42. **Ms. Shin** said that the Netherlands had been recognized in the past as one of the few States that had achieved the 0.7 per cent target for ODA. As the Government unfortunately no longer met that target, she urged it to restore the State party's ODA status.

43. It was unclear whether the State party was waiting for employees of the Pluspetrol company in Peru or persons affected by contamination to file a lawsuit before taking action against the company, which was guilty of serious human rights violations. She asked whether business monitoring procedures had been established with a view to promoting

remedies and compensation for victims. She also wished to know whether provision had been made for human rights impact assessments of ODA projects.

44. **Ms. Mulder** (Netherlands) said that most provisions of the Covenant were not directly applicable, since they provided only general instructions of a programmatic nature to the Governments of States parties. The activities of the Dutch Government were implicitly designed to implement the provisions of the Covenant.

45. Equal pay was enshrined in Dutch law, but it was sometimes difficult to establish whether it existed in practice.

46. Tensions between different groups were not simply attributable to discrimination by long-standing residents against newcomers or Muslims. Homosexuals were also assaulted from time to time by people with different religious views. The approach to anti-Muslim discrimination focused on promoting research and willingness to report incidents among local communities. Such incidents were now recorded by anti-discrimination bureaux and the police.

47. More young people were unfortunately becoming involved in Salafism, which promoted extremist views opposed to the liberal values espoused in the Netherlands. Institutions in local communities sought to identify young people with extremist or racist views, but action to address the phenomenon presented a major challenge. The Netherlands would welcome any advice the Committee that could provide regarding a sound solution. The Government was considering the possibility of developing a social cohesion framework aimed at alleviating tensions in society.

48. She did not believe that social rights and policies had been eroded. Admittedly, however, the authorities were struggling to develop social policies that effectively addressed existing tensions in society and provided support for vulnerable groups. Countries that were doing well economically and had generous social welfare systems attracted the largest number of migrants and asylum seekers, and it was difficult for long-term beneficiaries of social welfare to accept that immigrants with different values enjoyed the same rights.

49. The Netherlands was still one of the most prominent providers of ODA, focusing on areas such as water management, food security, and sexual and reproductive health. To be eligible for support, companies were required to meet corporate social responsibility criteria based on the Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development (OECD).

50. **Mr. Bette** (Netherlands) said that the Dutch Embassy in Lima was investigating the Pluspetrol case in order to determine how it should be addressed. There was no legislation governing the extraterritorial conduct of multinational enterprises, but there was an active and efficient national contact point on the OECD Guidelines. Alleged violations of the Guidelines could be reported and many solutions had been found, usually through mediation.

51. **The Chair**, responding to the request for advice on social cohesion and on problems stemming from migration in a welfare State, said that the Committee was not an academic body. Its mandate was confined to the monitoring of States parties, but its general comments and statements on the provisions of the Covenant could prove useful. The Office of the United Nations High Commissioner for Human Rights had issued documents, which could be consulted on its website, concerning the importance of economic, social and cultural rights in sustaining peace and avoiding conflict and also in post-conflict situations.

52. **Mr. De Schutter** said that European Union Regulation No. 1215/2012 required the Dutch courts to receive claims filed by victims of misconduct on the part of companies registered in the Netherlands. He wished to know what practical obstacles were faced by victims who wished to resort to that remedy. The conclusions on business and human rights adopted by the Council of the European Union on 30 June 2016 instructed member States to review any obstacles that prevented victims from having access to remedies. He asked what action was being taken by the State party to remove the obstacles that it had identified.

53. **Mr. Kedzia** (Task Force Member) said that the data contained in the annex to the State party's report reflected the situation until 2013. He would be grateful for updated data, particularly regarding the employment situation, and an explanation of the notion of "Western immigrant background". The unemployment rate among ethnic minorities was far higher than among ethnic Dutch and the situation was even worse for non-Western immigrants. In its reply to the question in the list of issues regarding the impact of measures under the 2013 Integration Agenda to combat discrimination against ethnic minorities in the labour market, the State party had stated that it was unable to provide systematic evidence of the impact. Although, it had referred, to a large-scale study of discrimination against ethnic minorities, it had failed to mention the findings or follow-up.

54. He wished to know more about the factors that had led to the encouraging increase in the participation of women in the labour market, especially women in the 55- to 65-year age group. The participation of non-Western immigrant women in the labour market had also improved, but the rate for immigrants from Turkey and Morocco continued to be relatively low. Moreover, the pay gap for women had decreased by a large percentage between 2008 and 2014 in the public sector but by a far smaller percentage in the private sector. He asked what measures were being taken to address both those issues. He also wished to know whether the Minister of Education, Culture and Science had informed the parliament of the results achieved by the equal opportunities policy in recent years and whether the Government intended to reintroduce an annual equal pay day.

55. He commended the results achieved by the Participation Act and the Jobs Deal and Work-Disabled Persons Quota Act ("Jobs Deal Act"). However, not all persons with disabilities were covered by the Jobs Deal Act. He asked whether the selective coverage had an adverse impact on the access to employment of persons who were not covered and what the response of employers had been.

56. As migrant workers were reportedly highly dependent on recruitment agencies and vulnerable to exploitation, labour inspections might prove crucial in preventing abuse. However, as the inspectors controlled not only working conditions but also compliance with migration legislation and related fraud, migrant workers might be discouraged from reporting unacceptable working conditions and labour exploitation. He asked whether the Government would consider revising its approach in order to protect possible victims. In general, he asked what measures were being taken to ensure better protection for victims of labour exploitation.

57. The decentralization of the delivery of social services was an interesting approach that could provide important lessons regarding innovative practices and might perhaps help to address the issue of non-uptake of social assistance by vulnerable groups. However, the State party's reply to paragraph 15 of the list of issues concerning the qualifying criteria in the Social Benefit Act and other legislation was inadequate. Some current provisions of the Social Benefit Act were reportedly so rigid that it was impossible for the municipalities to compensate for the decline in the income of families in need, owing to the new rules. The families were allegedly unable to meet the costs of rent, health care, food or clothing. Some municipalities were also reportedly unable to provide necessary care to vulnerable people, especially older persons, persons with disabilities and families that required care. He asked whether the municipalities were equipped with the necessary human rights knowledge and experience, whether the observance of economic, social and cultural rights was monitored by the Government and whether steps had been taken to raise human rights awareness at the local level among civil servants and the general public in the context of the decentralization of the delivery of social services.

58. Lastly, he would welcome information regarding the interim results of the series of assessments of the experience of stakeholders with respect to the implementation of the Participation Act.

The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.

59. **Ms. Mulder** (Netherlands) said that in recent years the Government had supported projects to increase women's economic independence in conjunction with the municipalities. Awareness-raising campaigns and inspirational local events for women had been organized. Multiparty agreements had been concluded between local authorities,

women's organizations, educational facilities and employers' welfare organizations. Training courses had been provided for women with little training or work experience. Single mothers had been assisted in creating a mutual support network. Mentoring had been provided for victims of abuse. During the current year, municipalities were being encouraged to promote the economic independence of women in their area and could apply for financial support to cover over 50 per cent of such projects. The percentage of economically independent women had increased from 47.5 per cent in 2010 to 54 per cent in 2015.

60. The Government also supported women's economic independence through childcare allowances, enhancement of the quality of childcare and the Flexible Working Arrangements Act. Combined fiscal deductions stimulated secondary earners within households, who were usually women, to maintain or increase their working hours after childbirth. The policies were also designed to combat gender stereotyping in relation to the raising of children.

61. Measures to bridge the persistent gender pay gap included awareness-raising campaigns, the Action Plan on Discrimination in the Labour Market, websites, annual progress reports, the creation of an employment discrimination team in the Inspectorate of the Ministry of Social Affairs and Employment, and research on equal pay in vocational education and the insurance industry. The Government also commissioned regular research by Statistics Netherlands on the gender pay gap.

62. A law enacted in 1996 prohibited unequal treatment, including with regard to hourly pay, for full-time and part-time employees. The Federation Dutch Labour Movement was organizing an equal pay day on 3 November 2017, with the support of various women's organizations. A major campaign against discrimination in the labour market had been launched in 2015. The campaign material, including a toolkit for employers to organize recruitment in a manner that minimized prejudice, was available on the website. Pay differences were monitored by Statistics Netherlands and the results were published, transmitted to the parliament and shared on websites.

63. Various instruments had been implemented to stimulate active inclusion and equal treatment of persons with disabilities. The groups covered by the Jobs Deal Act were deemed to be the most vulnerable. Other groups with disabilities were covered by the Participation Act, which was applicable to the municipalities. Compliance with all legal instruments was monitored in coordination with stakeholders.

64. The Inspectorate of the Ministry of Social Affairs and Employment had formalized a new programme to tackle human trafficking for labour exploitation. One of the priorities was the adoption of a more proactive approach to inspections and criminal investigations. Steps would be taken to promote a cooperative attitude on the part of stakeholders and to generate public awareness. Victims who reported trafficking were not prosecuted but offered protection as witnesses. Persons who were illegally employed or in unsafe labour situations were highly vulnerable, since their employers threatened retaliatory action if they approached the authorities.

65. Municipalities had received assistance in complying with obligations stemming from the decentralization of the delivery of social services under the Municipalities of the Future programme. Dissatisfied citizens could file lawsuits or appeal to various bodies if they felt that they had been subjected to gender-based discrimination. Municipalities sometimes found it difficult to comply with the differing requirements of the regulations issued by different ministries and to deal with diverse income components. In the event of administrative errors, they were required to pay refunds to the Government. Measures had been taken to facilitate action to address family debt situations and to simplify the system in general. Considerable effort was invested in familiarizing municipalities with a broad range of regulations. Master classes had been organized and the central Government planned to simplify some of the legislation, taking in the needs of the general public.

66. The situation of Turkish and Moroccan women in the labour market was quite complex. Awareness-raising was required to address the negative impact of stereotyping and unconscious prejudice. The Labour Foundation had launched a Diversity Charter on 2 July 2015, which had already been signed by more than 80 public and private organizations.

67. With a view to protecting households from living in poverty, the Netherlands had developed a comprehensive social system with adequate services and income support. In theory, nobody was denied access to social assistance. In practice, however, the mechanisms proved insufficient in certain circumstances. When the municipalities were required to provide special assistance, they sometimes pleaded for more support in complex cases involving a combination of factors that required innovative solutions.

68. **Mr. Slaats** (Netherlands) said that, as part of the ongoing review of Dutch civil law concerning evidence and civil procedures, the Netherlands was seeking ways of facilitating access to evidence that would be beneficial to victims of business-related violations of human rights. It was also amending the law to allow victims to claim damages collectively.

69. **Mr. Windfuhr** said that he would be interested to know about problems detected during the State party's regular labour inspections, for instance under the Tackling Fake Firms Act, which focused on the construction and transport sectors. He would also like information about the number of illegal workers employed in agriculture and other areas. He asked why the State party had not ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

70. According to the State party's report, the Work and Social Assistance Act had been amended in 2012 and 2015 to emphasize that social assistance was the final safety net and he asked what the amendment contained. In particular, he wished to know why young people were unable to apply for benefits for four weeks after submitting an application. He asked whether decentralization had affected the ability of municipalities to pay the requisite benefits, particularly in relation to disability services.

71. Lastly, he asked whether children of undocumented migrants had access to social welfare systems.

72. **Mr. Abdel-Moneim** noted that the Netherlands had entered a reservation to article 8 (1) (d) concerning the right to strike, stating that it did not accept the provision in the case of the central and local government bodies of the Netherlands Antilles, but it had added that it was not certain whether the reservation was necessary. He therefore asked why the reservation had been entered.

73. According to paragraph 69 of the report, trade union membership had fallen from 1,870,000 to 1,734,000 between 2010 and 2015. He wondered what were the reasons for the decline. He was rather surprised by the State party's comment in the same paragraph that an average of 20 strikes per year was low.

74. According to paragraph 68, the right to strike was based on article 6 (4) of the European Social Charter and restricted by article 31 of the Charter. He asked whether the right to strike under the Covenant was deemed to have the same status. In addition, the right to strike was, according to the State party, based on case law and the Government did not intend to change it. He stressed that case law was not always an adequate source.

75. **Mr. De Schutter** said that, according to paragraph 130 of the report, the Social Support Act required the municipalities to provide support for the homeless. He would welcome information on the procedures for preventing municipalities from declining responsibility for certain homeless persons and the safeguards in place to prevent the most generous municipalities from becoming magnets for homeless persons and hence deciding to reduce their support.

76. He asked how social aid was delivered to homeless persons who had no address.

77. **Ms. Liebenberg** (Task Force Member) noted the existence of unacceptably high levels of gender-based violence and violence against children in the Caribbean part of the Netherlands. The annex to the report indicated that the available data were inadequate. She noted with concern that little progress had been achieved since the previous report.

78. She noted that action by the "Safe at Home" centres to tackle domestic violence and child abuse had been devolved to the municipalities. The Committee had been informed that there were long waiting lists for such centres, and also for youth care centres, and she asked what support was provided at the national level to boost the capacity of municipalities to deliver such services.

79. She had not fully understood the reply to the question as to whether parental leave was paid in all cases or only when a collective agreement had been reached in the workplace.

80. She gathered that there had been some degree of stabilization in levels of short-term poverty since the financial crisis. However, according to Statistics Netherlands, there had been a rise in the number of people at risk of long-term poverty. She wished to know what strategy the State party had adopted to address the problem and what targets it had set. She also wished to know whether NGOs and civil society groups were involved in the plan of action to eliminate long-term poverty.

81. The Committee was particularly concerned about levels of poverty in the Caribbean Netherlands and in Curaçao, Aruba and Sint Maarten. She would be grateful for information on progress in developing national poverty lines and comprehensive poverty alleviation programmes.

82. With regard to the State party's core obligations in respect of undocumented migrants, she quoted the Committee's statement at its previous session that the essential minimum content of each right should be preserved in all circumstances and that the corresponding duties extended to all people under the State's effective control, without exception. She understood that access to shelter and related services for undocumented migrants depended on the migrants' making a genuine effort to arrange their departure, so that, when municipalities provided additional facilities or shelters, there was an express intention to penalize the municipalities concerned. She asked the State party to comment on the compatibility of the conditional provision of core social services with the unconditional core obligations to all people within the State's jurisdiction, regardless of legal status.

83. There had been a major increase in homelessness, amounting to 74 per cent between 2009 and 2015. She asked whether the Government had adopted a national action plan to address the crisis based on the right to adequate housing, as reflected in the Committee's general comments Nos. 4 and 7.

84. She noted that progress had been made on the very restrictive legislation applicable to termination of pregnancy in Sint Maarten. Given the serious implications of the criminalization of abortion for health and reproductive rights, she requested a more specific time frame for liberalized legislation that complied with the Committee's general comment No. 22 on sexual and reproductive health.

85. In January 2012, a decision had been taken to abolish subsidies for interpretation services concerning health care for persons who were not fluent in the Dutch language. The decision had been criticized by the Royal Dutch Medical Association, particularly in relation to its impact on a core element of the right to health, namely obtaining informed consent to medical treatment. She asked what justification there was for the measure and whether there were plans to restore funding for interpretation services.

86. The Committee had been informed that unnecessary treatment had been provided for intersex children, which denied them self-determination and autonomy. Such treatment was based on a "predict and control" approach rather than on the child's own choice of gender identity over time. She asked whether there were any plans to review those policies and practices, and whether basic health-care coverage was provided for the transition to a chosen gender identity.

87. She wished to know more about measures to protect residents' right to health, particularly efforts to reduce ambient air pollution and dangerous emissions from oil refinement activities in Curaçao. Lastly, she wished to know about the impact on a number of economic, social and cultural rights of gas extraction activities in northern parts of the Netherlands, particularly the right to housing, health care and compensation for affected property.

The meeting rose at 6 p.m.

United Nations E/C.12/2017/SR.19

Economic and Social Council

Distr.: General
12 June 2017

Original: English

Committee on Economic, Social and Cultural Rights
Sixty-first session

Summary record of the 19th meeting
Held at the Palais Wilson, Geneva, on Friday, 2 June 2017, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of the Netherlands (*continued*) (E/C.12/NLD/6, E/C.12/NLD/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Netherlands took places at the Committee table.*

2. **Mr. Kedzia** (Task Force Member) said that he would appreciate it if the delegation focused its replies more on the perspective of the individual as a rights holder. For example, the fact that the Labour Inspectorate had a double mandate might not be a problem from an institutional point of view, but it could hinder people's ability to seek remedy for rights violations. There had been a similar lack of attention to the individual in the replies regarding domestic workers. He wished to know whether the State party intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He also wished to know what the status and objectives of the action plan on pregnancy discrimination were and how the individual in her capacity as a rights holder was incorporated in the document.

3. **Ms. Mulder** (Netherlands) said that the Government applied the Covenant in two ways: firstly, since it viewed all the provisions as binding, the Government used the Integral Assessment Framework, which contained specific guidance on economic, social and cultural rights, when formulating laws and policies. Secondly, the Constitution provided for the direct application of treaty provisions by individuals when, in the view of the judiciary, their wording was sufficiently precise. The implementation of Covenant rights was often the result of a political process that was difficult to reconcile with judicial decisions on individual cases that might have an impact on a wider group. The Government would nonetheless assess the guidelines on economic, social and cultural rights in the light of the Committee's concern.

4. According to government and non-governmental organization (NGO) estimates, at least 100,000 people resided unlawfully in the Netherlands. In the past, owing to the accession of new members to the European Union, citizens of those countries had been temporarily prohibited from working without a permit. However, the permit requirement had been lifted in 2014 and the parliament had looked into ways of mitigating the adverse effects of legal and illegal labour migration, such as poor housing, low pay and exploitation. Most recent legislative action had been focused on enhancing protection for workers, regardless of their origin. Economic incentives for employers remained high in order to offset a tendency, brought on by the influx of migrant workers due to a sound economy and a comparatively high minimum wage, of paying below the minimum wage. The Labour Inspectorate had seen a clear rise in complaints of underpayment, both in real terms and as a share of overall complaints. As a consequence, it had broadened its scope of action and now conducted more in-depth audits. Nearly 3,000 inspections had been carried out in 2016, leading to the detection of over 1,000 illegal workers, and the number of penalties, whether fines, warnings or temporary shutdowns, had been almost double the number imposed under the former working method. According to recent reports by the European Police Office (Europol) and the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, the risk of labour exploitation was on the rise, as demonstrated by certain practices in the transportation sector, and could be successfully addressed only if the various inspectorates worked in unison. Information on the Labour Inspectorate's dual mandate would be provided in writing once an English translation of the new control framework was available.

5. **Ms. Eijwachter** (Netherlands) said that, by law, part-time domestic workers should receive at least the minimum wage and were entitled to paid annual leave, six weeks' paid sick leave and the State old-age pension. Regarding the non-ratification of ILO Convention No. 189, it should be noted that recognizing equal rights for part-time domestic

workers would not improve their situation unless large wage subsidies were also introduced. However, such subsidies were susceptible to abuse and would require the addition of certified intermediaries, which would increase the cost of the subsidy scheme without creating any extra jobs. Accordingly, the Government had chosen to keep existing safeguards in place and leave part-time domestic work entirely in the sphere of the informal economy. That said, the relatively high minimum labour cost constrained the demand for uneducated workers in general; therefore, a wage cost subsidy had been introduced in 2017 to boost demand for minimum-wage workers, including domestic help, although it would not suffice to regularize most of the market for domestic work.

6. **Mr. Staats** (Netherlands) said that a number of initiatives related to supply chain issues were under way, including: a corporate social responsibility covenant being developed with the Ministry of Foreign Affairs, social partners and NGOs; a bill on child labour in supply chains that was currently before the Senate and contained a due diligence obligation for firms; a corporate human rights benchmark that set a new standard in the business sector; and funding for ILO research on global supply chains.

7. **Ms. Hoesein** (Netherlands) said that recent changes to social benefits were in line with the Covenant and were designed to provide an adequate safety net and promote financial independence by supporting job seekers. Moreover, they had led to an increase in purchasing power. The level of social benefits was adequate and was adjusted to the situation of the household. Some individuals could be eligible for further benefits, such as tax exemptions, housing allowances and medical benefits, many of which had been increased. Where personal circumstances meant that government measures were not enough to provide an adequate standard of living, individuals could receive special municipal assistance. Municipalities were allocated a budget for the provision of general social benefits and assistance to job seekers and received €90 million per year to tackle poverty and household debt. They were not permitted to cut social benefits because of budget constraints.

8. The Participation Act established that persons under the age of 27 years who applied for social assistance were expected to actively seek employment for a period of four weeks before receiving benefits. However, vulnerable young people who were unable to seek employment or gain a foothold in the labour market could receive special municipal support during that period. Such individualized support was compulsory for certain categories of people, such as persons with disabilities. Furthermore, the Act provided for the payment of an advance, pending a final decision on eligibility for social benefits. In principle, minors could not claim social security benefits independently of their parents, but the Government was of the view that children should never be the victims of their family's financial situation. Thus, undocumented parents could apply for a residence permit on the grounds that they had to care for their children. In addition, municipal assistance was available for children with no other means of support. Families with minor children who did not have legal status in the Netherlands were placed in family centres, where they had guaranteed access to food, shelter, clothing and education.

9. **Ms. Weiland** (Netherlands) said that it was not clear why membership of trade unions was falling, only that it was a general trend in many countries of the Organization for Economic Cooperation and Development. Dutch policies in that field remained unchanged. The Government valued social dialogue highly and had also facilitated union membership by making union dues tax-deductible.

10. **Mr. Abou** (Netherlands) said that, by law, all Dutch citizens had access to shelter in the location of their choice. The Ministry of Health, Welfare and Sport had commissioned regular studies of municipal shelter services, which were provided free of charge. In 2015, a special commission had issued guidance on how housing and community shelter services could best be organized, which the municipalities had endorsed. Regional action plans were being developed to prevent homelessness, provide good quality shelter services and help individuals return to independent living. In addition, the Government was working to increase affordable housing and prevent people from being evicted because of an inability to pay rent. The number of evictions was declining.

11. **Ms. Weiland** (Netherlands) said that the Government, in consultation with the National Institute for Human Rights, was exploring ways of further combating pregnancy discrimination. In that connection, two round tables had been held with social partners and other stakeholders since September 2016, following which the Government had recently put forward the Action Plan on Pregnancy Discrimination, which contained 13 new measures on enforcement, awareness and reporting of cases. A progress report on the Action Plan was scheduled for early 2018.

12. **Ms. Croes** (Netherlands) said that the Department of Social Affairs in Aruba provided psychological counselling to victims of abuse and had registered nearly 300 new cases in 2015. It also provided a shelter employing two social workers. The poverty line was set at 60 per cent of the mean personal income. Persons who could not enter the labour market, such as older persons and persons with disabilities, were eligible for additional services, while persons who could aspire to the labour market benefited from skills upgrading and other empowerment measures. The monthly welfare benefit had increased in 2017 and parents on welfare received a tuition subsidy for their children. The various poverty alleviation programmes administered by the Department cost 42 million Aruban florins per year.

13. **Ms. Martis** (Netherlands) said that the Government of Curaçao had taken significant steps to modernize its oil refinery in an effort to resolve the pollution problem and meet the highest international environmental standards. In that connection, a memorandum of understanding had been signed with a Chinese firm, which would finance an upgrade and then rent the facilities for 40 years. It was a major project that would see the refinery shift to natural gas and would employ 4,500 people for three to five years.

14. **Ms. Yearwood** (Netherlands) said that the Government of Curaçao provided needy families with subsidies for utilities and housing, as well as free primary and secondary education, school uniforms, transportation and school meals for children living below the poverty line. Some 4,000 families received a monthly basic needs subsidy to help them achieve a decent standard of living.

15. **Ms. Voges** (Netherlands) said that Sint Maarten had shared the decision of the European Netherlands to withdraw the reservation to article 8 (1) (d) on the right to strike. However, the reservation could be withdrawn only once the relevant amendments to the Criminal Code had been adopted.

16. Abortion remained illegal in Sint Maarten, but there were strong calls to review the law. On 7 July 2017, the Government would host a conference to discuss topics including medical termination of pregnancy, the age of parental consent for contraception, access to sexual and reproductive health services, the introduction of comprehensive, age-appropriate sexual and reproductive health education in schools and the social inclusion of sexual minorities. It would also present draft amendments to the law regarding the legalization of abortion.

17. The Civil Code had been amended in 2011 with the adoption of an ordinance on parental responsibility, whereby corporal punishment and any other form of abuse or mental or physical violence against children was punishable by law. In addition, a central registration and referral centre for child abuse cases had been established in 2014, the Guardianship Court had introduced an automatic registration and file-tracking system in child abuse cases in November 2014 and a 24-hour child abuse hotline had been set up in 2015. A national protocol had been approved in 2015, paving the way for a bill on mandatory reporting of abuse planned for 2017.

18. The Government-funded NGO Safe Haven, which was the focal point for reporting domestic violence, provided free shelter, counselling and support services to women victims and their children. It had established partnerships with medical centres, the police, immigration, child welfare and victim services, the Department of Labour, lesbian, gay, bisexual and transgender organizations, and schools to raise awareness and develop programmes and services for victims of intimate partner violence and trauma. The Government, in cooperation with NGOs, held training sessions on domestic violence for the police and other agencies, most recently in March 2017. The Government continued to fund

public campaigns to educate victims about their rights and thereby reduce ongoing stigma and encourage the reporting of cases.

19. A national development plan was currently being designed by multiple agencies, but setbacks had made it necessary to conduct additional research. In that connection, the Department of Statistics was validating the results of a study and official results were expected in the course of 2017. A report highlighting the areas that presented the most challenges would be prepared with a view to adjusting the methodology. The Government continued to provide unemployment and social benefits and strove to alleviate poverty through improved employment opportunities.

20. **Mr. Abou** (Netherlands) said that municipalities were required by law to provide services to victims of domestic violence. Safe at Home, a nationwide network of women's shelters, provided victims with immediate accommodation, protection and assistance. There was also a small number of safe houses with secret addresses for victims under constant and serious threat. Each region had its own social care system that included, inter alia, the possibility of domestic exclusion orders and support for victims and their children, and also for perpetrators. The Social Support Act set a basic quality standard for social services, which it was the municipalities' responsibility to monitor. However, in the event of an incident, the Government could step in. In an effort to avoid waiting lists for shelter spaces, municipalities had invested in the Safe at Home network; and, as at April 2017, three quarters of shelters had no waiting list.

21. The decentralization of youth services had allowed local authorities to adopt an integrated approach to child abuse and partner violence. All reports of child abuse and domestic violence, including suspected cases, were now referred to Safe at Home. Because child abuse and domestic violence were no longer treated as separate issues, it was possible to give families more effective assistance. Various advances were planned, namely the development of a national support programme, the adoption of a five-year service improvement plan and the strengthening of the reporting rules so that Safe at Home was notified of serious cases. In addition, in order to improve the prevention and detection of child abuse, a so-called child check had been rolled out, whereby health-care professionals treating persons with specific health issues were recommended to ask whether there were any children in the household.

22. Although there were no reliable data on the prevalence of violations of children's rights and domestic violence in the Caribbean Netherlands, owing to the reluctance to report cases, two major reports in 2013 and 2014 had shown that the two problems were common. The European Netherlands and the Caribbean Netherlands were working on an agreement to strengthen the policy against domestic violence that would focus on prevention, skills building for professionals, stronger support and assistance systems, safer shelters and an accessible reporting structure.

23. **Ms. Eijnwachter** (Netherlands) said that there were four types of leave arrangements to support a work-life balance for parents and carers. Women were entitled to 16 weeks' fully paid maternity leave, while fathers received 2 days' paid paternity leave plus an additional 3 unpaid days to be taken within 4 weeks of the birth. A bill to extend paid paternity leave by a further 3 days was pending adoption. Both parents were eligible for parental leave: for each child, they were entitled to a period of leave amounting to 26 times their weekly working hours, to be taken before the child's eighth birthday. While that type of leave was unpaid, many collective bargaining agreements contained provisions for partial pay. Lastly, employees were entitled to take off a period annually, amounting to two times their weekly working hours, at 70 per cent pay, to care for ill household members, relatives or people in their social environment. They could also take six times their weekly working hours in unpaid care leave.

24. **Ms. Hussein** (Netherlands) said that the Government had prioritized the reduction of poverty, which had risen in the aftermath of the financial crisis, and was therefore taking a two-pronged approach that consisted in providing protection and boosting employment. Its efforts were pushing the poverty rate back down, but the same could not yet be said of long-term poverty. The Government was of the view that work was the best way of overcoming poverty; accordingly, employment policies focused on preventing job loss,

stimulating job creation and supporting vulnerable groups, including persons with disabilities, in their job search. In addition, municipalities received funding to implement poverty reduction policies that were developed in consultation with stakeholders and centred around the individual, prevention and after-service measures.

25. **Mr. Bette** (Netherlands) said that child benefit had been introduced in the Caribbean Netherlands in January 2016 and the scope of other special assistance measures had been broadened; applications for such assistance had risen considerably. The statutory minimum wage and funding for poverty reduction had been increased. The sums paid in social assistance benefits had also been increased, although they still did not necessarily come up to subsistence levels. Therefore, a social minimum was being calculated on the basis of an independent cost-of-living survey, taking into account factors such as training and how the labour market functioned. A socioeconomic agenda should be finalized in mid-2017.

26. **Ms. Racamy** (Netherlands) said that the poverty line in Curaçao was set at US$ 800 a month for one adult and one child. Given that the authorities referred to relational violence rather than domestic violence, statistics were available but were not disaggregated by sex. In 2015, nearly 280 people had contacted the Victim Assistance Bureau. Available services included a shelter, medical and psychological care and legal assistance.

27. **Mr. Kaptein** (Netherlands) said that shelter services were available for documented and undocumented migrants alike. Every asylum application went through a thorough assessment process, during which the applicant was eligible for accommodation. Where an asylum seeker was in need of protection, his or her application was granted, along with housing. However, where protection was not necessary, applications were denied — unless there were mental health concerns — and the persons concerned no longer had a legal right to remain in the Netherlands, although they were eligible for shelter prior to returning to their country of origin, provided that they made a genuine effort to arrange their departure. The Netherlands considered its practice in that regard to be in line with its human rights obligations.

28. **Mr. Abou** (Netherlands) said that the Government had no plans to reintroduce the provision of interpreters in the health-care system, preferring instead to invest in Dutch language courses for newcomers to the country.

29. Under the basic health insurance package, individuals were entitled to benefits where they had a medical need, including in the area of gender-affirmative health care. The National Health Care Institute had taken the lead in establishing quality standards and professional guidelines for gender-affirmative health care. Medical care could not be imposed without the explicit and informed consent of patients or their parents. The Health Care Inspectorate was mandated to enforce standards and had the power to close down health-care providers that committed serious breaches. The Netherlands supported the advancement of the rights of intersex persons and in November 2016 had held a meeting of experts with the aim of identifying the specific problems that intersex persons faced and the ways in which the Government could remedy them. A follow-up meeting was due to take place in 2017.

30. Patients had the right to lodge a complaint regarding health-care services under the Health-care Quality, Complaints and Disputes Act. Complaints must be dealt with within six weeks; when a complaint could not be settled between the patient and the health-care provider, an independent dispute settlement body could issue binding rulings and award damages of up to €25,000.

31. **Mr. Slaats** (Netherlands) said, in connection with the gas extraction operations in Groningen, that the safety and security of residents was paramount. The Government was taking measures to prevent the earthquakes caused by the operations, including reducing the permitted volume of gas extracted to less than half of the limit that had been in place in 2013. Programmes had been set up to mitigate the effects of the extractions and to compensate any residents affected by them.

32. **Mr. Sadi** invited the State party to consider the Committee's general comments, which clarified that, contrary to an assertion made by the delegation, the provisions of the Covenant should be applied by individuals as well as by the authorities.

33. **Mr. Uprimny** said that the lack of provision in domestic legislation for irregular migrants to receive support for their basic needs contravened international law. He urged the State party to apply the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights.

34. **Mr. De Schutter** said that he would be interested to hear about the practical obstacles facing homeless persons who wished to obtain benefits under the Work and Social Assistance Act. It was unclear how homeless persons could receive support from their municipality if they did not have a registered address.

35. **Ms. Shin** (Country Rapporteur) said that she wished to learn how — apart from the monitoring activities of the Labour Inspectorate — the authorities encouraged employers to comply with the legal provisions in place on equal pay, non-discrimination against pregnant women and the employment of persons with disabilities.

36. **Ms. Liebenberg** (Task Force Member) said that she wished to encourage the State party to improve its data collection in the areas of poverty and domestic violence, particularly in the Dutch Caribbean, in order to enable the Committee to better assess whether the situation had improved or worsened between periodic reports.

37. **Mr. Kaptein** (Netherlands) said that, while the Government recognized that the provisions of article 11 of the Covenant, which established the right of everyone to an adequate standard of living, extended also to irregular migrants, it took the position that States parties were not prevented from requiring irregular migrants to cooperate in preparing for their return to their country of origin. If adult irregular migrants refused to make a genuine effort to leave the country, they themselves were responsible for the consequences. Individuals who were unable to engage in the process as a result of mental health issues were entitled to support from the dedicated mental health facility for migrants.

38. **Ms. Steijns** (Netherlands) said that homeless persons had the right to obtain a mailing address in order to enable them to obtain municipal services. Municipalities were obliged to accept applications for services from persons using a mailing address located within their jurisdiction. If an individual was not registered in a specific municipality, he or she was entitled to receive social assistance from one of the 43 central municipalities.

39. **Mr. Slaats** (Netherlands) said that the Labour Inspectorate had begun to introduce incentives to encourage compliance with the labour laws. The Ministry of Social Affairs and Employment had run advertising campaigns to combat exploitation in the labour market.

40. **Ms. Mulder** (Netherlands) said that ensuring the implementation of labour regulations was both a policy responsibility for the Ministry of Social Affairs and Employment and a task for the Labour Inspectorate. Programmes to encourage good practice among employers included an annual company of the year award.

41. **Mr. Kerdoun** (Task Force Member) said that, while the education system in the State party ranked among the best in the world, social inequalities led to segregation along ethnic and cultural lines in many establishments. The Committee would be interested to hear how the Government intended to eliminate such segregation.

42. Large numbers of children with disabilities were educated in special schools rather than mainstream schools, with a further 15,000 not receiving any education at all. He wished to learn how the authorities would tackle the lack of flexibility in adapting schools to the needs of children with disabilities, including through the introduction of new legislation.

43. The Committee would appreciate the delegation's comments on the measures being taken to protect pregnant students and single mothers from discrimination in the education system.

44. Details would be welcome on the number of students who dropped out of education without obtaining a basic diploma. The Committee would be grateful for information on the extent to which the education system in Sint Maarten and Curaçao responded to the needs of the local population, particularly given that teaching took place in Dutch, which was not

the mother tongue of the majority of students. It was unclear whether in those places there were difficulties in recruiting teachers and in ensuring that the education provided was appropriate to the local job market. It would be useful to receive data on the proportion of the population in the Dutch Caribbean who had access to the Internet.

The meeting was suspended at noon and resumed at 12.05 p.m.

45. **Mr. Konings** (Netherlands) said that the Government took the view that high-quality education was a key factor in promoting social integration and reducing de facto segregation in schools. It had developed programmes to help preschool children improve their Dutch language skills before they entered the mainstream education system. Schools with large numbers of students from disadvantaged or ethnic minority backgrounds received additional funding in order to prevent children from falling behind or dropping out.

46. Parents of children with disabilities had the right to apply to the school of their choosing. If the school was unable to provide the support a child required, it had a duty of care to provide appropriate education, including through the provision of home schooling, in consultation with the child's parents. The Netherlands had recently ratified the Convention on the Rights of Persons with Disabilities and was in the process of implementing its provisions.

47. Educational establishments had a responsibility to accommodate pregnant students and single mothers and received sufficient financial support to do so. A recent NGO-led study had revealed that some students in those groups encountered problems in continuing their education; consequently, the Ministry of Education, Culture and Science was preparing a guidance manual to ensure that such students received the assistance that they required. In March 2017, the Government had presented its action plan to combat pregnancy discrimination, which included new measures aimed at the education sector.

48. Under the Appropriate Education Act of 2014, teaching programmes could be tailored to the individual requirements of students who were unable to attend full-time schooling as a result of behavioural issues or mental or physical health needs.

49. In the Caribbean Netherlands, targets for educational attainment were adjusted to suit the local context and vocational education programmes were tailored to the local labour market. In Sint Eustatius and Saba, primary education was offered in English and/or Dutch. Secondary education was offered in English only, but that policy was under review. Vocational education at levels 1 and 2 was offered in English and/or Dutch. In Bonaire, primary education was offered in Papiamento or Dutch. Secondary education was offered in Dutch, although teachers were permitted to use Papiamento in the classroom where necessary. Vocational education was offered in Papiamento and Dutch at levels 1 and 2, and solely in Dutch at levels 3 and 4.

50. **Ms. Croes** (Netherlands) said that, in Aruba, the education authorities had made great efforts to adapt the curriculum to the local context and to introduce more teaching materials in Papiamento. The island had its own teacher training institute and there was a sufficient number of teachers for the local population. Around 60 to 70 per cent of the population of Aruba had access to the Internet.

51. **Ms. Martis** (Netherlands) said that, in Curaçao, steps had been taken in recent years to move towards using Papiamento as the language of instruction in the education system. In 2016, one secondary school had completed the transition from Dutch to Papiamento in all subjects. The authorities were making efforts to produce new teaching materials that better reflected the local context; however, that process required considerable investment. Steps were being taken to develop digital resources as a less expensive way of introducing new material.

52. Efforts were being made to improve specialization in the education system, including in the higher education sector, in order to meet the needs of the local economy more effectively. Students often left the island to complete their university studies elsewhere and upon their return found that their skills did not match the requirements of the local labour market.

53. **Ms. Voges** (Netherlands) said that, in Sint Maarten, the languages of instruction were English and Dutch, while the majority of the local population spoke English at home. The Ministry of Education, Culture and Science planned to design a new language policy based on the outcome of a recent study on the status of Dutch as a foreign language on the islands in the Dutch Caribbean. The Dutch Inspectorate of Education ensured that standards were maintained, while the National Institute of Professional Advancement provided regular opportunities for teachers to refresh their skills. The teacher-to-student ratio stood at 1:15 following the opening of a number of new schools. Emphasis was increasingly being placed on the use of technology in education and in 2015 a conference had been held to facilitate the exchange of ideas between educators and to share knowledge on how best to implement the use of software tools in the classroom.

54. **Mr. Konings** (Netherlands) said that, in Bonaire, Sint Eustatius and Saba, 75 per cent of households had had access to the Internet in 2013.

55. The number of students dropping out of education without receiving a basic diploma, which had stood at 71,000 in 2002, had since decreased to 23,000, thanks to concerted efforts by the authorities.

56. **Mr. Kerdoun** (Task Force Member) said that the problem of segregation along racial lines persisted in the education system. He wished to learn how the Government planned to reassess access to education for child migrants and asylum seekers, particularly those in an irregular situation, in order to ensure that their right to an education was protected.

57. **Ms. Mulder** (Netherlands) said that the prohibition of the collection of data on a person's cultural or ethnic background for administrative purposes meant that it was not possible to identify the racial make-up of individual educational establishments. Schools tended to reflect the population of the area they served.

58. **Mr. Konings** (Netherlands) said that a plan of action had been rolled out in October 2016 to promote equal opportunities within the education system. The plan would be evaluated over a period of two years to determine which of its measures were the most effective. Asylum seekers were entitled to enrol in primary and secondary education while they were of compulsory school age. Asylum seekers who held residence permits enjoyed the same rights as Dutch nationals, including access to funding for university studies. The Foundation for Refugee Students supported highly skilled refugees in finding suitable employment in the Netherlands, while the Dutch Organization for Internationalization in Education had developed an online tool to provide information about higher education in the Netherlands to refugee students living there. Both of those organizations received funding from the Government.

59. **Ms. Shin**, thanking the delegation for its comments, said that the reorganization of the State party into four autonomous countries and three special municipalities had brought with it a number of challenges for the authorities. Disparities remained between the opportunities enjoyed by persons of Dutch and non-Dutch origin, men and women, and the European and Caribbean areas of the State party. She urged the Government to establish national human rights institutions in each of the four autonomous countries and to develop a national human rights action plan containing concrete goals and strategies, including improved human rights education in schools. Better collection of disaggregated data was required, particularly in the Dutch Caribbean, in order to enable the Committee to evaluate the progress made during reporting periods.

60. **Ms. Mulder** (Netherlands) said that the pursuit of the goal of ensuring economic, social and cultural rights for all was hampered by fast-moving changes in technology and society. The Government invited the Committee to share with it best practices from other States parties.

61. **The Chair** urged the State party to re-examine the Covenant and reconsider its position on the justiciability of economic, social and cultural rights.

The meeting rose at 12.55 p.m.